



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 2220-02  
26 November 2002



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 1780 Pers 604 of 17 May 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



## DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1780  
PERS-604  
17 May 02

### MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 26 Apr 02  
(b) Title 38, United States Code, Chapter 32  
(c) Veterans Benefits and Health Care Improvement Act of  
2000 (PL 106-419)

1. The following is provided in response to reference (a):

a. Recommend the Board deny [REDACTED] request to enroll in the Veterans Educational Assistance Program (VEAP). Per reference (b), VEAP was closed to new enrollments on 30 June 1985, but reopened for five months from 28 October 1986 to 31 March 1987. Members who did not enroll before these deadlines lost their eligibility.

b. [REDACTED] states if he had been properly counseled that declining VEAP would preclude him from participating in any subsequent education assistance program, he would have elected to participate when afforded the chance. At the time of [REDACTED] entry onto active duty in 1980, it would have been impossible for him to have been counseled an education assistance program that didn't exist until 1985. Also, during the VEAP open enrollment period, no one could have counseled [REDACTED] on the requirements of the VEAP to Montgomery GI Bill (MGIB) Program conversion opportunities that didn't occur until 9 October 1996 and 1 November 2001.

[REDACTED] further states if he had been afforded the opportunity to migrate to the MGIB Program when other VEAP-eligible members were allowed, he would have done so. There has been no opportunity for those like LT [REDACTED] who didn't participate in VEAP to enroll in the MGIB Program.

d. Notification of the open period and final closure of VEAP was given the widest dissemination via NAVOP messages, Navy Times articles and by placing a statement on the Leave and Earnings Statements of active duty members for several months. Now that reference (c) authorized VEAP participants to enroll in the MGIB Program, those who never participated are petitioning the Board for waivers to the law to establish VEAP accounts. Over 40,000 Sailors are in this category.

